

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA) pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409) (2001)), and Mayor's Order 87-259, dated November 13, 1987, hereby gives notice of adoption, on an emergency basis, of a revision of Section 3107A (Signs) of Title 12A of the District of Columbia Municipal Regulations (DCMR), the Construction Codes Supplement of 2003.

Emergency rulemaking is necessary to clarify the applicability of the sign regulations to signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property. The current building code regulations are ambiguous and could create uncertainty concerning the legal requirements for posting these signs. The adoption of this emergency rulemaking allows the public to receive immediate guidance on the manner in which they may use signs on private property to express themselves on non-commercial personal and political matters. This emergency rulemaking was adopted on May 30, 2006 and became effective on that date. This emergency rulemaking will expire on September 27, 2006 or upon publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

Section 3107A of Title 12A of the District of Columbia Municipal Regulations (DCMR), the Construction Codes Supplement of 2003, is amended as follows:

Section 3107.1 (General) is amended by adding the following sentence at the end:

“Except as otherwise specifically provided, Section 3107 shall not apply to signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property.”

Section 3107.3 (Permits) is amended by striking the word “exceeding” and inserting the phrase “subject to the provisions of Section 3107 that exceeds” in its place.

Section 3107.3.5.6 ((Show cards) is repealed.

Section 3107.4 (Commission of Fine Arts submission) is amended by inserting the phrase “for review of signs subject to the provisions of section 3107” after the word “applications”.

Section 3107.6 (Character of Advertising) is amended by striking the words “of any character” and inserting the phrase “subject to provisions of Section 3107” in its place.

Section 3107.6.2 (Removal of signs) is amended by inserting the phrase “subject to the provisions of Section 3107 that was” after the phrase “Any sign” and inserting the word “and” after the word “maintained”.

Section 3107.6.3 (Miscellaneous signs) is repealed.

Section 3107.6.6 (Directional signs) is amended by striking the phrase “under Section 3107.3.5.6 for show cards,”.

Section 3107.6.7 (Special permits) is amended by striking the phrase “will aid in the promotion of an activity of an exclusively civic nature or” after the phrase “approval of the permit”.

Section 3107.7 (Types of signs) is amended by inserting the phrase “subject to provisions of Section 3107.” after the phrase “for all signs”.

Section 3107.7.7.9 (Transported signs and banners) is amended by inserting the phrase “, or to any other signs bearing non-commercial statements of fact, belief, or personal or political opinion.” after the word “dispute”.

Section 3107.9 (Residential or Special Purpose District limitations) is amended by inserting the phrase “subject to provisions of Section 3107” after the word “signs”.

Section 3107.9.1 (General Residential District limitations) is amended by inserting the phrase “except signs bearing non-commercial statements of fact, belief, or personal or political opinion,” after the word “Regulations”.

Section 3107.9.3 (Location restrictions) is amended by inserting the phrase “subject to the provisions of Section 3107” after the phrase “district signs”.

Section 3107.9.5 (Authorized signs) is amended to read as follows:

3107.9.5 Authorized signs. The code official is authorized to issue a permit for signs complying with any of Sections 3107.9.5.1 through 3107.9.5.8.

Section 3107.9.5.1 (Public Information) is repealed.

Section 3107.9.6 (Signs in special purpose districts) is amended by inserting the phrase “subject to the provisions of Section 3107” after the phrase “total area of signs”.

Section 3107.10 (Maximum size of signs) is amended by inserting the phrase “subject to provisions of Section 3107 and” after the word “signs”.

Section 3107.10.7 (Exemptions) is amended by inserting the phrase “and signs not subject to the provisions of section 3107” after the phrase “through 3107.3.5.8”.

Section 3107.11 (Structural and materials requirements) is amended by inserting the phrase “subject to the provisions of Section 3107,” after the phrase “All signs”.

Section 3107.13 (Dangerous signs) is amended by inserting the phrase “, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property,” after the phrase “When any sign”.

Section 3107.14 (Obstructive signs) is amended by inserting the phrase “, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property,” after the phrase “No sign”.

Copies of the emergency rules can be obtained from Paul Waters, Legislative Liaison, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, N.E., Washington, D.C. 20002. A copying fee of one dollar (\$1) will be charged for each requested copy of the emergency rulemaking requested.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED* NOTICE OF EMERGENCY RULEMAKING****Z.C. Case No. 06-20****(Text Amendment to Permit Temporary Accessory Bus Parking Lot for Washington
Metropolitan Area Transit Authority)****April 20, 2006**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, 799; D.C. Official Code § 6-641-01 (2001)), and the authority set forth in D.C. Official Code § 2-505(c) (2001), hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 11 of the District of Columbia Municipal Regulations ("DCMR") to permit a temporary accessory bus parking lot for the Washington Metropolitan Area Transit Authority ("WMATA").

The circumstances justifying emergency action are as follows: WMATA currently maintains a bus garage housing approximately 76 buses at M and Half Streets, S.E. Bus parking associated with this garage is located on the future site of the major league baseball stadium to be built in the District of Columbia. Other than the site set forth in the emergency rulemaking, there are few or no other suitable sites available to be used as a temporary bus parking lot. Construction of the stadium is imminent and therefore WMATA immediately needs a new location to park its buses. Delaying the effective date of the rulemaking would seriously hinder WMATA operations and the ability of the District of Columbia Office of Property Management to find another suitable site.

The emergency rulemaking took effect immediately upon its adoption on April 20, 2006[†] and will expire 120 days thereafter, *i.e.*, on August 18, 2006, or upon the publication of a notice of the final adoption of this rule in the *D.C. Register*, whichever occurs first.

Title 11 (DCMR) is amended as follows:

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding new section 601.7, to read as follows:

601.7 Notwithstanding § 602.1. and not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use for a period of five (5) years maximum on Square ~~703~~ **661**, Lot ~~53~~ **805**, from the date of the issuance of the certificate of occupancy for such use.

* This notice is corrected to show the correct square and lot numbers. Deletions are shown in strikethrough and additions are shown in bold and underline.

† A Notice of Public Hearing for this amendment is published elsewhere in this edition of the *D.C. Register*.